

To: Turkey Creek 404 file
From: Sean Cochran
Re: April 18, 1986 DNR Natural Resources Oil, Gas, Water
Advisory Council Meeting

Background -

4/14 Henderson called to tell us Turkey Creek was coming up to NR Comm. this week. He'd like us to coord with the State before the mtg. and he'd also like any written comments we have by 4/24 (Lake Co. Drainage Bd. Mtg.). The Public Notice is due out soon (heard that before!).

4/16 Finally got hold of Kam Jordan to get meeting date. Told Kam that Dave H. wants me to attend meeting in case I get a chance to express our views.

4/17 Don S. returned from EPA meeting in Chicago.

4/16 EPA asked FWS to participate in RIFS Scoping meeting on May 5, along with Int. SBH. Don + I again reviewed the Turkey Creek dredging proposal + Don advised that we should try to get dredging postponed until RIFS determines if Turkey Creek is or is not contaminated. FWS participation in future sampling would depend on Statewide priorities and available resources. We called the EPA + SBH On-Site Coordinators (OSCs) for their opinions on Turkey Cr. (separate memo). I called Kam to tell him we're definitely asking for denial, at least until contamination issue is resolved. Kam was very uncomfortable with this because he feels he has

"negotiated in good faith" with Henderson for a year and doesn't want to change his recommendation now. He says he would if he definitely knew Turkey Creek was contaminated and it was "killing ducks". Otherwise he feels the mitigation Henderson has offered (he's willing to trust Henderson to stick to his commitments despite everyone warning him about H.'s record adequately compensates for losses & in DN's eyes the project is not detrimental to their interests. I believe Kam is skeptical about the contaminants issue - that the Creek would be contam. or bad enough to be a problem. But more importantly he does not want to say no when he's been saying yes so far and he thinks the Council will not want to interfere with County work on a legal drain. In his position is a combination of not ^{trusting} our assessment of ① poten. contam. risks, ② importance of losing at least 7 acres of wetlands (filled by spoil), ③ likelihood that contractor/County will make a mess of the snagging + clearing bel Liverpool rd. (based on County's history of violation) ④ that Henderson is doing this purely as make-work to spend already-appropriated \$, ⑤ that flooding is not a justification because bridge openings are the real restrictions, ⑥ poten. for draining wetlands around Fairbanks & ⑦ difficulty of removing spoil from wetlands near Georgia St. In other words, where we

believe that the project will still have signif. neg. impacts on wetlands despite improved plans, ~~E~~ and contam. risks are real, and the lack of any solid justification is relevant; Kam is willing to accept some wetland loss, to take Henderson at his word, and he does not think ~~he~~ he's qualified to assess contam. risks (that's a water quality problem) Under state law (& more importantly state DNR policy) Kam will not question the value of the project.

- 1-18 I met with John Hall at Div. Water to discuss the bridge/culvert problem, esp. in light of the 1982 Corps report that flood control (dredging) was not justified. To summarize John's comments:
- 1) No one has done a full hydraulic anal. because dredging is unlikely to be detrimental to Div. Water's jurisdiction (e.g. DOW is only interested if a proposed activity will decrease capacity,
 - 2) But he agrees culverts are certainly a restriction. ~~and~~ He doesn't know how much removing them would reduce flooding, though
 - 3) He believes dredging is done to reduce low flows not peak flows - e.g. to drain, not for flood control - on small legal ditches like this one.
 - 4) Historically they dredged to convert wetland to ag. land. Legal drains date to pre-1930s. No one dredged from 1930s-1970s & now most of these ditches have filled w/ silt, re-us at

- many hist. wetlands. But now land use along Turkey Cr. is developed, not ag., so drainage is an archaic practice. Also problem is people building in the floodplain. If their basements are below groundwater, they'll flood irregardless
- 5) He knows Henderson is doing this mostly b/c its a legal drain and he gets \$ to maintain drains.
 - 6) However Div. Water has no legal capacity to oppose a project based on any of the above issues

Kam came in & reiterated his position that DNR can't ~~oppose~~ deny a permit for lack of justification and he's not going to change his position that the project is not detrimental. Vic Wenning came in to get the story & he (not Kam!!!) was perfectly willing for DNR to request deferral until contaminants issue is resolved. But after Kam disagreed, Vic got uncomfortable with idea that this could mean an indefinite delay and that "wouldn't be fair to the applicant". He counter-proposed that they rec. a condition the permit that the applicant must get approval from State Bd. of Health (OEM). This has been a condition on past permits. Kam could accept it because it left water qual. ques. to the "expert" (& not incidentally let him off the hook on his perceived commitment to Henderson).

At the NR Council meeting in afternoon Vic announced that the staff had just been meeting to discuss new

② I called it "late-breaking news", about risk ^{w/} ~~the~~ Turkey
ck. dredging.

info. for the permit & I was there to provide details. I showed a map of the Griffith site & potential connections to Turkey Creek, explained that ^{the} site had been known since 1983 but EPA only started work this winter, contacted ~~600~~ ^{responsible} parties this month, named an OSC on Mon, & met w/ us on Wed, & 1st meeting w/ SBA... won't be till May 5th. I briefly outlined what the site is, known water contam. & RIFS just starting. I said no one knows if T.C. is contam. but our contam. biol. & both State & EPA OSC's rec. prudent action is to postpone dredging until we get better info. - b/c if ck. is contam., then dredging is a problem, esp. spoil disposal. I also mentioned that the project had always been "controversial", was denied 401 cert. in 1984 by State and benefits of projects were subject to debate*. Dave Turner (who had not been briefed on contam. problem but knows the project from 1984), spoke up that the dredging conflicted w/ Mayor of Hobart's plan to dredge Lake George (which was approved by NRC last month). This was not relevant to contam. issue directly ~~but sure~~ and I don't think the members understood the issue he raised but the effect was that Turner was speaking out to support me. Then Kam jumped in with a tone of defending the project with his position that he'd worked at H. for a yr. in "good faith" & felt ~~impact~~ he "could live with the project" and ~~was not qualified~~.

comment on contam. risks. He said he felt SBH should make that decision. Vic Wenning said the DNR wasn't exactly asking for defer but a condition that SBH/DEM approval would be required - Then the Council debated the issue. Member Joseph Stener said they didn't want to approve any work if toxic chemicals are possible & no one disagreed. He said he didn't like the idea of DEM condition because ① confusion of changing agencies, and ② didn't trust applicant not to go ahead once they get the permit (w/ getting DEM approval) - too hard to enforce. He recommended the Council rec. deferral. Andrews immediately seconded & Dan Morse (Chair) "third-ed" for emphasis, and this passed unanimously.

After the mtg. Ham said he was pleased because the Council had made the decision and he didn't feel he had let Henderson down. But he ~~was~~ knew the project wasn't needed so he was "bad" so he didn't mind if it was tabled. Turner & Marty Maupin were really pleased. Turner said he's been told they never could find the deeds establishing T.C. as a legal drain anyway. Turner knows the project is make-work & he's glad to stop it anyway ~~legitimate~~ that's legitimate.

William Steen of Div. Water told me SBH, w/ DR was help, surveyed groundwater around Griffith few yrs ago. He'd be glad to help give info. for R11

CONVERSATION RECORD

TIME

DATE

4-17-86

TYPE

VISIT

CONFERENCE

TELEPHONE

INCOMING

OUTGOING

ROUTING

NAME/SYMBOL

INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Arthur Carter

ORGANIZATION (Office, dept., bureau, etc.)

SBH

TELEPHONE NO

3/7
243-5070

SUBJECT

Griffith ACS site

SUMMARY

He talked with a state engineer & off-hand they think Turkey Creek seems too far away for groundwater contamination but they don't know. The RIFS's objective is to determine the extent of contamination. Because funding has been halted until Superfund is renewed by Congress, he doesn't know when this will be completed. He recommends dredging be delayed, if feasible, until we know more about contamination.

4-17 EPA's new OSC (as of Mon. 4-14) is Karen Waldvogel. She told Don Steffek that EPA will probably be doing the RIFS rather than responsible parties because they aren't cooperating so far.

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Jean Cochrane

ACTION TAKEN

SIGNATURE

TITLE

DATE

Indiana Department of Natural Resources



DIVISION OF WATER
2475 Directors Row
Indianapolis, Indiana 46241
317-232-4162

WILLIAM J. STEEN, C.P.G.

Engineering Geologist

4/18/86

Offered help with planning groundwater analysis for Griffith Landfill/ACS site - RIFS. Div Water helped St. Brd. Health map groundwater around Griffith a few years ago & he was involved (I think).

From: Summary of Superfund Activities, August 1984. US Environmental Protection Agency, Chicago.

AMERICAN CHEMICAL SERVICE (ACS)

ACS is a chemical recycling facility operating in Lake County, Indiana. Two areas that were used for drum and sludge disposal in the past are of concern today. One of the disposal areas in an adjacent city landfill has been studied on numerous occasions by the U.S. EPA. The other disposal area located in the center of the ACS site was inspected by the Indiana State Board of Health in the past, but now is covered over with roads and storage tanks. The buried drums contained residues such as phenol, isophorone, naphthalene, and numerous other wastes. Groundwater contamination has been documented at the landfill site. The on-site disposal area has yet to be studied.

(Updated February 1984) U.S. EPA, Region V, has requested a Responsible Party Search on this site with a projected completion date of April 30, 1984.

(Updated August 1984) The responsible party search draft report has been completed and is awaiting comments from EPA.

(March 1986) 600 responsible parties have been identified and contacted. EPA has prepared a work plan for the Remedial Investigation Feasibility Study. Initial sampling would include ground-water, air and soil sampling near the ACS and Griffith Landfill sites.

(April 1986) On-Scene-Coordinator for EPA named.

(May 5, 1986) Date of planned meeting between EPA, responsible parties, U.S. Fish & Wildlife Service and Indiana State Board of Health to discuss the Remedial Investigation and clean-up activities.

